

**United States District Court**FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

for the

**Nov 20, 2020**

SEAN F. MCAVOY, CLERK

**Eastern District of Washington****Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: Hector Diaz

Case Number: 0980 2:16CR00036-TOR-1

Address of Offender:

Kennewick, Washington 99336

Name of Sentencing Judicial Officer: The Honorable Thomas O. Rice, U.S. District Judge

Date of Original Sentence: March 29, 2018

Original Offense: Conspiracy to Distribute 500 Grams or More of a Mixture or Substance Containing  
Methamphetamine, 21 U.S.C. § 841(a)(1), (b)(1(A)(viii) and 846Original Sentence: Prison - 30 months                      Type of Supervision: Supervised Release  
TSR - 60 months

Asst. U.S. Attorney: Caitlin A. Baunsgard

Date Supervision Commenced: October 18, 2019

Defense Attorney: Molly Winston

Date Supervision Expires: October 17, 2024

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**PETITIONING THE COURT**

To issue a warrant and to incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court on 5/19/2020.

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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	<b><u>Standard Condition #2:</u></b> After initially reporting to the probation office, you will receive instructions from the Court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
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	<b><u>Supporting Evidence:</u></b> Mr. Diaz is considered to be in violation of his conditions of supervised release by failing to contact the probation officer as directed on November 3, 2020.
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On October 23, 2019, Mr. Diaz' conditions of supervision were reviewed with him. He signed a copy of his conditions, and a copy of the conditions form was provided to him. By signing this form, Mr. Diaz acknowledged an understanding of his conditions of supervised release, to include standard condition number 2, as noted above.

On October 7, 2020, Mr. Diaz was contacted at the Richland Probation Office after receiving permission from the Court to remove his location monitoring requirement. Mr. Diaz was directed to report telephonically due to COVID-19 on the first Tuesday of each month.

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Mr. Diaz failed to report by telephone on November 3, 2020, as directed. The undersigned attempted to contact Mr. Diaz on November 11, 17 and 20, 2020. During each attempt, voice mail messages and text messages were left directing Mr. Diaz to contact the undersigned immediately.

Collateral contact was made with Mr. Diaz' brother on November 13, 2020, and he was asked to provide Mr. Diaz a message to contact the undersigned. Collateral contact was again made with Mr. Diaz' brother on November 20, 2020, to ascertain information on Mr. Diaz' whereabouts and if he was able to give Mr. Diaz the information to contact the undersigned. Mr. Diaz' brother confirmed he spoke to Mr. Diaz and passed on the information to contact his probation officer. As of this report, Mr. Diaz has not made any attempt to contact probation and his whereabouts are unknown.

4 **Special Condition #3:** You must undergo a substance abuse evaluation and, if indicated by a licensed/certified treatment provider, enter into and successfully complete an approved substance abuse treatment program, which could include inpatient treatment and aftercare upon further order of the court. You must contribute to the cost of treatment according to your ability to pay. You must allow full reciprocal disclosure between the supervising officer and treatment provider.

**Supporting Evidence:** Mr. Diaz is considered to be in violation of his conditions of supervised release by failing to attend substance abuse treatment at Merit Resource Services (Merit) since October 22, 2020.

On October 23, 2019, Mr. Diaz' conditions of supervision were reviewed with him. He signed a copy of his conditions, and a copy of the conditions form was provided to him. By signing this form, Mr. Diaz acknowledged an understanding of his conditions of supervised release, to include special condition number 3, as noted above.

On November 17, 2020, the undersigned received a treatment report from Merit advising Mr. Diaz had not been in attendance substance abuse treatment since October 22, 2020. Merit was contacted by phone to confirm this information and to see if Mr. Diaz had been in attendance during the month of November 2020. Merit reported Mr. Diaz has not been seen by their office since October 22, 2020, and his file has been closed.

The U.S. Probation Office respectfully recommends the Court to incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court, and that the Court issue a warrant.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 11/20/2020

s/Dan M. Manning

Daniel M. Manning  
U.S. Probation Officer

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THE COURT ORDERS

- ☐ No Action
- ☒ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☐ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☐ Defendant to appear before the Magistrate Judge.
- ☐ Other



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Thomas O. Rice  
United States District Judge

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November 20, 2020

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Date